

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77552488
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION (no change)	
ARGUMENT(S)	
<p style="text-align: center;"><u>AMENDMENT AND RESPONSE UNDER 37 C.F.R. §2.62</u></p> <p>Sir: Please amend the application to:</p> <p style="padding-left: 40px;">computer software for use in creating, connecting and maintaining multimedia home networks; equipment for data storage, namely, network attached storage (NAS) devices; home network gateways; routers; in Class 9.</p> <p style="padding-left: 40px;">design and development of computer hardware and software; consulting and design services in the field of computer hardware in Class 42.</p> <p style="text-align: center;"><u>REMARKS</u></p> <p>This Response is filed in reply to the Office Action dated June 25, 2009. In that Action, the Examining Attorney (1) accepted the amendment to the description of goods under TMEP §1402.01; (2) rejected Applicant's request to suspend the present application; and (3) maintained the refusal of registration of Applicant's mark, GIGLE in Classes 9 and 42, based on a likelihood of confusion with U.S. Registration No. 3,385,716 for GIGLI in Class 9 under Trademark Act §2(d), 15 U.S.C. §1052 (d).</p> <p><i>(1) Goods and Services.</i> As of the date of submission of these arguments, Applicant has not been successful in obtaining a voluntary restriction of the goods of the cited registration for GIGLI in Class 9. Accordingly, since Applicant's request for suspension was denied, and there is no additional time to pursue such a restriction, Applicant has significantly reduced the scope of its own application for GIGLE and believes that the Application, as amended, is not likely to be confused with the cited registration for GIGLI.</p> <p><i>(2) Refusal of Registration.</i> The Examining Attorney has cited U.S. Registration No. 3,385,716 for GIGLI as a barrier to Applicant's GIGLE application and has specifically cited these goods in the cited Registration as being in conflict: "computers, memory cards and microprocessors for computers, computer printers; modems" in Class 9.</p>	

Applicant has *deleted* the following goods and services from its application for GIGLE:

computers; computer hardware; blank magnetic data carriers; data processing equipment and computers; computer peripherals; DVD players; optical disc players; semiconductors; semiconductor processors; semiconductor processor chips; integrated circuits; integrated circuit chips; circuit boards; printed circuit boards; microcomputers; microcontrollers; microprocessors; microchips in Class 9.

Scientific and technological services and research and design in the field of semiconductors and integrated circuits; design and development of semiconductors, integrated circuits, circuit boards, microprocessors, and microchips; custom design of semiconductors, integrated circuits, and programmable logic integrated circuits; technical support services in connection with semiconductors, integrated circuits and programmable logic integrated circuits; design for others of integrated circuits and integrated circuit cores for use in wireless communications and wireless communication equipment and apparatus and digital signal processors; consulting and design services in the fields of integrated circuits, printed circuit boards, microprocessors, microchips, semiconductors, in Class 42.

Post-amendment, Applicant's remaining goods and services are:

computer software for use in creating, connecting and maintaining multimedia home networks; equipment for data storage, namely, network attached storage (NAS) devices; home network gateways; routers; in Class 9.

Design and development of computer hardware and software; consulting and design services in the field of computer hardware in Class 42.

Applicant believes that its amended application for GIGLE for home network software, network storage and network gateways and routers, and its computer hardware and software design services is not likely to be confused with the cited registration for GIGLI, which covers, in relevant part, "computers, memory cards and microprocessors for computers, computer printers; and modems".

Considering the differences in the marks and the goods and services, Applicant believes there is no likelihood of confusion between the cited registration for GIGLI and the pending application for GIGLE. In addition to the difference of the final vowels, the marks vary significantly in pronunciation and in meaning. The translation supplied by the Registrant for its GIGLI mark is "lily" and according to Registrant's claimed U.S. Registration No. 2,408,178, GIGLI "identifies a living individual..." (Romeo Gigli) "whose consent is of record", whereas GIGLE is a fanciful coined term. (See Exhibit A, TARR print-out for U.S. Registration No. 2,408,178 for GIGLI, and Response to Office Action and TARR print-out for U.S. Registration No. 3,385,716 for GIGLI. These are true and

correct copies of print-outs downloaded from the U.S. Patent and Trademark Office records via TESS on December 21, 2009.) Consumers who encounter the cited registration are likely to associate it with the Italian clothing designer, Romeo Gigli, or the translation of "lily", both of which weigh against confusion with Applicant's GIGLE trademark. (See attached Exhibit B, an electronic excerpt from *The Free Dictionary by Farlex*, for context on Mr. Gigli.)

In addition to the differences in the marks themselves, the goods as amended are also distinct from those of the cited mark. Applicant seeks to register its mark for use with home network software, storage and network appliances and its computer hardware and software design services. In contrast, the cited registration covers, among a laundry list of other unrelated goods, "computers, memory cards and microprocessors for computers, computer printers; modems." Applicant notes that the cited registration coexists with other class 9 marks prefixed with GIG..., such as U.S. Registration No. 3,214,823, owned by a Hong Kong company called Hanzawa (Hong Kong) Limited for GIGGGLE for "electronic apparatus, namely, computers and computer peripherals; computer game software; education software for tutoring and teaching instruction in the field of music, creative drawing, spelling; electronic and computer game programs; Electronic device for recording music with video game features, electronic device to store computer generated information with video game features, namely, jump drives and flash drives" in Class 9." (See attached Exhibit C, which is a true and correct print-out of the TARR record for U.S. Registration No. 3,214,823, demonstrating that the cited GIGLI mark for "...computers..." is coexisting with the GIGGGLE registration for "...computers and computer peripherals...", both in Class 9.)

The cited registration also coexists with U.S. Registration No. 1,281,330 for GIGA, registered for "Computer Programs Recorded on Machine Readable Magnetic Media and on Printed Sheet, Sold with a Printed Users Manual as a Unit" in Class 9 by Shepard; John C. (See attached Exhibit D, which is a true and correct print-out of the TARR record for U.S. Registration No. 1,281,330 for GIGA.) In sum, Applicant believes that the evidence supports the argument that the cited mark is likely to be associated with Designer Romeo Gigli, and/or its translation of "lily" and is therefore not likely to be confused with Applicant's GIGLE mark, which differs from GIGLI in overall appearance, pronunciation and meaning. Moreover, Applicant believes that the evidence shows that the cited Registration is not so strong and distinctive that it is likely to be confused with a GIG-prefixed mark used in connection with computer software and home network equipment in Class 9 and services of designing computer hardware and software in Class 42.

For these reasons, Applicant believes that consumers are not likely to confuse the "computers, memory cards and microprocessors for computers, computer printers; and modems" from Gigli with Applicant's home networking software and home networking equipment, and its software and hardware design services used with the GIGLE mark. Applicant requests reconsideration of the final refusal of its application for GIGLE for the goods and services remaining in the application, and requests that the application be approved for publication.

No Conflicting Marks. But for the cited registration, Applicant notes that the Examining Attorney's search of the Office records apparently uncovered no additional registered or pending marks which would bar registration under Trademark Act § 2(d), 15 U.S.C. § 1052(d), TMEP § 1105.01.

EVIDENCE SECTION

EVIDENCE FILE NAME(S)

ORIGINAL
PDF FILE

http://tgate/PDF/RFR/2009/12/21/20091221221218183260-77552488-004_001/evi_648125166-

	215752284_._EXHIBIT_A.pdf
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	<u>\\TICRS\EXPORT9\IMAGEOUT9\775\524\77552488\xml1 \RFR0022.JPG</u>
DESCRIPTION OF EVIDENCE FILE	Exhibits A-D
GOODS AND/OR SERVICES SECTION (009)(current)	
INTERNATIONAL CLASS	009
DESCRIPTION	
computers; computer hardware; computer software for use in creating, connecting and maintaining multimedia home networks; blank magnetic data carriers; data processing equipment and computers; computer peripherals; equipment for data storage, namely, network attached storage (NAS) devices; home network gateways; DVD players; optical disc players; routers; semiconductors; semiconductor processors; semiconductor processor chips; integrated circuits; integrated circuit chips; circuit boards; printed circuit boards; microcomputers; microcontrollers; microprocessors; microchips	
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION NUMBER	006695639
FOREIGN REGISTRATION COUNTRY	European Community
FOREIGN REGISTRATION DATE	01/20/2009
FOREIGN EXPIRATION DATE	02/25/2018
STANDARD CHARACTERS OR EQUIVALENT	NO
GOODS AND/OR SERVICES SECTION (009)(proposed)	

INTERNATIONAL CLASS	009
DESCRIPTION	
computer software for use in creating, connecting and maintaining multimedia home networks; equipment for data storage, namely, network attached storage (NAS) devices; home network gateways; routers;	
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION NUMBER	006695639
FOREIGN REGISTRATION COUNTRY	European Community
FOREIGN REGISTRATION DATE	01/20/2009
FOREIGN EXPIRATION DATE	02/25/2018
GOODS AND/OR SERVICES SECTION (042)(current)	
INTERNATIONAL CLASS	042
DESCRIPTION	
Scientific and technological services and research and design in the field of semiconductors and integrated circuits; design and development of computer hardware, software, semiconductors, integrated circuits, circuit boards, microprocessors, and microchips; custom design of semiconductors, integrated circuits, and programmable logic integrated circuits; technical support services in connection with semiconductors, integrated circuits and programmable logic integrated circuits; design for others of integrated circuits and integrated circuit cores for use in wireless communications and wireless communication equipment and apparatus and digital signal processors; consulting and design services in the fields of integrated circuits, printed circuit boards, microprocessors, microchips, semiconductors, and computer hardware	
FILING BASIS	Section 44(e)
STANDARD CHARACTERS OR EQUIVALENT	NO
GOODS AND/OR SERVICES SECTION (042)(proposed)	
INTERNATIONAL CLASS	042
DESCRIPTION	
design and development of computer hardware and software; consulting and design services in the field of computer hardware	
FILING BASIS	Section 44(e)
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Joi A. White/
SIGNATORY'S NAME	Joi A. White

SIGNATORY'S POSITION	Attorney of Record, CA bar member
DATE SIGNED	12/21/2009
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Dec 21 22:12:18 EST 2009
TEAS STAMP	USPTO/RFR-64.81.251.66-20 091221221218183260-775524 88-46085ed5bd92ba6885231d 079c2f3a22be3-N/A-N/A-200 91221215752284635

PTO Form 1830 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **77552488** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

AMENDMENT AND RESPONSE UNDER 37 C.F.R. §2.62

Sir: Please amend the application to:

computer software for use in creating, connecting and maintaining multimedia home networks; equipment for data storage, namely, network attached storage (NAS) devices; home network gateways; routers; in Class 9.

design and development of computer hardware and software; consulting and design services in the field of computer hardware in Class 42.

REMARKS

This Response is filed in reply to the Office Action dated June 25, 2009. In that Action, the Examining Attorney (1) accepted the amendment to the description of goods under TMEP §1402.01; (2) rejected Applicant's request to suspend the present application; and (3) maintained the refusal of registration of Applicant's mark, GIGLE in Classes 9 and 42, based on a likelihood of confusion with U.S. Registration

No. 3,385,716 for GIGLI in Class 9 under Trademark Act §2(d), 15 U.S.C. §1052(d).

(1) Goods and Services. As of the date of submission of these arguments, Applicant has not been successful in obtaining a voluntary restriction of the goods of the cited registration for GIGLI in Class 9. Accordingly, since Applicant's request for suspension was denied, and there is no additional time to pursue such a restriction, Applicant has significantly reduced the scope of its own application for GIGLE and believes that the Application, as amended, is not likely to be confused with the cited registration for GIGLI.

(2) Refusal of Registration. The Examining Attorney has cited U.S. Registration No. 3,385,716 for GIGLI as a barrier to Applicant's GIGLE application and has specifically cited these goods in the cited Registration as being in conflict: "computers, memory cards and microprocessors for computers, computer printers; modems" in Class 9.

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computers; computer hardware; blank magnetic data carriers; data processing equipment and computers; computer peripherals; DVD players; optical disc players; semiconductors; semiconductor processors; semiconductor processor chips; integrated circuits; integrated circuit chips; circuit boards; printed circuit boards; microcomputers; microcontrollers; microprocessors; microchips in Class 9.

Scientific and technological services and research and design in the field of semiconductors and integrated circuits; design and development of semiconductors, integrated circuits, circuit boards, microprocessors, and microchips; custom design of semiconductors, integrated circuits, and programmable logic integrated circuits; technical support services in connection with semiconductors, integrated circuits and programmable logic integrated circuits; design for others of integrated circuits and integrated circuit cores for use in wireless communications and wireless communication equipment and apparatus and digital signal processors; consulting and design services in the fields of integrated circuits, printed circuit boards, microprocessors, microchips, semiconductors, in Class 42.

Post-amendment, Applicant's remaining goods and services are:

computer software for use in creating, connecting and maintaining multimedia home networks; equipment for data storage, namely, network attached storage (NAS) devices; home network gateways; routers; in Class 9.

Design and development of computer hardware and software; consulting and design services in the field of computer hardware in Class 42.

Applicant believes that its amended application for GIGLE for home network software, network storage

and network gateways and routers, and its computer hardware and software design services is not likely to be confused with the cited registration for GIGLI, which covers, in relevant part, "computers, memory cards and microprocessors for computers, computer printers; and modems".

Considering the differences in the marks and the goods and services, Applicant believes there is no likelihood of confusion between the cited registration for GIGLI and the pending application for GIGLE. In addition to the difference of the final vowels, the marks vary significantly in pronunciation and in meaning. The translation supplied by the Registrant for its GIGLI mark is "lily" and according to Registrant's claimed U.S. Registration No. 2,408,178, GIGLI "identifies a living individual..." (Romeo Gigli) "whose consent is of record", whereas GIGLE is a fanciful coined term. (See Exhibit A, TARR print-out for U.S. Registration No. 2,408,178 for GIGLI, and Response to Office Action and TARR print-out for U.S. Registration No. 3,385,716 for GIGLI. These are true and correct copies of print-outs downloaded from the U.S. Patent and Trademark Office records via TESS on December 21, 2009.) Consumers who encounter the cited registration are likely to associate it with the Italian clothing designer, Romeo Gigli, or the translation of "lily", both of which weigh against confusion with Applicant's GIGLE trademark. (See attached Exhibit B, an electronic excerpt from *The Free Dictionary by Farlex*, for context on Mr. Gigli.)

In addition to the differences in the marks themselves, the goods as amended are also distinct from those of the cited mark. Applicant seeks to register its mark for use with home network software, storage and network appliances and its computer hardware and software design services. In contrast, the cited registration covers, among a laundry list of other unrelated goods, "computers, memory cards and microprocessors for computers, computer printers; modems." Applicant notes that the cited registration coexists with other class 9 marks prefixed with GIG..., such as U.S. Registration No. 3,214,823, owned by a Hong Kong company called Hanzawa (Hong Kong) Limited for GIGGGLE for "electronic apparatus, namely, computers and computer peripherals; computer game software; education software for tutoring and teaching instruction in the field of music, creative drawing, spelling; electronic and computer game programs; Electronic device for recording music with video game features, electronic device to store computer generated information with video game features, namely, jump drives and flash drives" in Class 9." (See attached Exhibit C, which is a true and correct print-out of the TARR record for U.S. Registration No. 3,214,823, demonstrating that the cited GIGLI mark for "...computers..." is coexisting with the GIGGGLE registration for "...computers and computer peripherals...", both in Class 9.)

The cited registration also coexists with U.S. Registration No. 1,281,330 for GIGA, registered for "Computer Programs Recorded on Machine Readable Magnetic Media and on Printed Sheet, Sold with a Printed Users Manual as a Unit" in Class 9 by Shepard; John C. (See attached Exhibit D, which is a true and correct print-out of the TARR record for U.S. Registration No. 1,281,330 for GIGA.) In sum, Applicant believes that the evidence supports the argument that the cited mark is likely to be associated with Designer Romeo Gigli, and/or its translation of "lily" and is therefore not likely to be confused with Applicant's GIGLE mark, which differs from GIGLI in overall appearance, pronunciation and meaning. Moreover, Applicant believes that the evidence shows that the cited Registration is not so strong and distinctive that it is likely to be confused with a GIG-prefixed mark used in connection with computer software and home network equipment in Class 9 and services of designing computer hardware and software in Class 42.

For these reasons, Applicant believes that consumers are not likely to confuse the "computers, memory cards and microprocessors for computers, computer printers; and modems" from Gigli with Applicant's home networking software and home networking equipment, and its software and hardware design services used with the GIGLE mark. Applicant requests reconsideration of the final refusal of its application for GIGLE for the goods and services remaining in the application, and requests that the

application be approved for publication.

No Conflicting Marks. But for the cited registration, Applicant notes that the Examining Attorney's search of the Office records apparently uncovered no additional registered or pending marks which would bar registration under Trademark Act § 2(d), 15 U.S.C. §1052(d), TMEP § 1105.01.

EVIDENCE

Evidence in the nature of Exhibits A-D has been attached.

Original PDF file:

http://tgate/PDF/RFR/2009/12/21/20091221221218183260-77552488-004_001/evi_648125166-215752284_EXHIBIT_A.pdf

Converted PDF file(s) (13 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Evidence-6

Evidence-7

Evidence-8

Evidence-9

Evidence-10

Evidence-11

Evidence-12

Evidence-13

Original PDF file:

http://tgate/PDF/RFR/2009/12/21/20091221221218183260-77552488-004_002/evi_648125166-215752284_EXHIBIT_B_00418067_.PDF

Converted PDF file(s) (2 pages)

Evidence-1

Evidence-2

Original PDF file:

http://tgate/PDF/RFR/2009/12/21/20091221221218183260-77552488-004_003/evi_648125166-215752284_EXHIBIT_C_00418068_.PDF

Converted PDF file(s) (3 pages)

Evidence-1

Evidence-2

Evidence-3

Original PDF file:

http://tgate/PDF/RFR/2009/12/21/20091221221218183260-77552488-004_004/evi_648125166-215752284_Exhibit_D_00418069_.PDF

Converted PDF file(s) (3 pages)

Evidence-1

Evidence-2

Evidence-3

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 009 for computers; computer hardware; computer software for use in creating, connecting and maintaining multimedia home networks; blank magnetic data carriers; data processing

equipment and computers; computer peripherals; equipment for data storage, namely, network attached storage (NAS) devices; home network gateways; DVD players; optical disc players; routers; semiconductors; semiconductor processors; semiconductor processor chips; integrated circuits; integrated circuit chips; circuit boards; printed circuit boards; microcomputers; microcontrollers; microprocessors; microchips

Original Filing Basis:

Filing Basis: Section 44(e), Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and /or services, and submits a copy of [European Community registration number 006695639 registered 01/20/2009 with a renewal date of _____ and an expiration date of 02/25/2018], and translation thereof, if appropriate. 15 U.S.C. Section 1126(e), as amended.

Proposed: Class 009 for computer software for use in creating, connecting and maintaining multimedia home networks; equipment for data storage, namely, network attached storage (NAS) devices; home network gateways; routers;

Filing Basis: Section 44(e), Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and /or services, and will submit a copy of [European Community registration number 006695639 registered 01/20/2009 with a renewal date of _____ and an expiration date of 02/25/2018], and translation thereof, if appropriate, before the application may proceed to registration. 15 U.S.C. Section 1126(e), as amended.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 042 for Scientific and technological services and research and design in the field of semiconductors and integrated circuits; design and development of computer hardware, software, semiconductors, integrated circuits, circuit boards, microprocessors, and microchips; custom design of semiconductors, integrated circuits, and programmable logic integrated circuits; technical support services in connection with semiconductors, integrated circuits and programmable logic integrated circuits; design for others of integrated circuits and integrated circuit cores for use in wireless communications and wireless communication equipment and apparatus and digital signal processors; consulting and design services in the fields of integrated circuits, printed circuit boards, microprocessors, microchips, semiconductors, and computer hardware

Original Filing Basis:

Filing Basis: Section 44(e), Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and /or services, and submits a copy of [_____ registration number _____ registered _____ with a renewal date of _____ and an expiration date of _____], and translation thereof, if appropriate. 15 U.S.C. Section 1126(e), as amended.

Proposed: Class 042 for design and development of computer hardware and software; consulting and design services in the field of computer hardware

Filing Basis: Section 44(e), Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and /or services, and will submit a copy of [_____ registration number _____ registered _____ with a renewal date of _____ and an expiration date of _____], and translation thereof, if appropriate, before the application may proceed to registration. 15 U.S.C. Section 1126(e), as amended.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Joi A. White/ Date: 12/21/2009

Signatory's Name: Joi A. White

Signatory's Position: Attorney of Record, CA bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77552488

Internet Transmission Date: Mon Dec 21 22:12:18 EST 2009

TEAS Stamp: USPTO/RFR-64.81.251.66-20091221221218183

260-77552488-46085ed5bd92ba6885231d079c2

f3a22be3-N/A-N/A-20091221215752284635

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-12-21 20:52:32 ET

Serial Number: 75748621 Assignment Information Trademark Document Retrieval

Registration Number: 2408178

Mark (words only): GIGLI

Standard Character claim: No

Current Status: Registration canceled under Section 8.

Date of Status: 2007-09-01

Filing Date: 1999-07-08

Transformed into a National Application: No

Registration Date: 2000-11-28

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2006-07-31

LAST APPLICANT(S)/OWNER(S) OF RECORD

I. Moda Brand Holding S.A.

Address:

Moda Brand Holding S.A.

25/A Boulevard Royal

Le Forum Royal, L-2449

Luxembourg

Legal Entity Type: Corporation

State or Country of Incorporation: Luxembourg

GOODS AND/OR SERVICES

International Class: 014

Class Status: Section 8 - Cancelled

12/21/2009

Gold, silver, platinum, precious metals and their alloys, in bar and sheet form; goods of precious metals and their alloys, namely, rings, necklaces, bracelets, brooches, earrings, tie pins, tie claps, diamonds, precious gemstones; jewelry articles, jewels; wristwatches; clocks in general; chronometers; fitted cases for watches and jewels

Basis: 44(e)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Name Portrait Consent: The name "GIGLI" identifies a living individual whose consent is of record.

Prior Registration Number(s):

1721460

Foreign Application Number: 0936099

Foreign Registration Number: 0650822

Foreign Registration Date: 1999-04-09

Country: Benelux

Foreign Filing Date: 1999-04-09

Foreign Expiration Date: 2009-04-09

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-09-01 - Canceled Section 8 (6-year)

2006-09-23 - Review Of Correspondence Complete

2006-08-21 - PAPER RECEIVED

2006-07-31 - Case File In TICRS

2000-11-28 - Registered - Principal Register

2000-09-05 - Published for opposition

2000-08-04 - Notice of publication

2000-06-23 - Approved for Pub - Principal Register (Initial exam)

2000-06-02 - Assigned To Examiner

12/21/2009

2000-05-18 - Communication received from applicant

2000-05-18 - ITU claim deleted

2000-05-18 - Sec. 44(E) Claim Added

1999-11-23 - Non-final action mailed

1999-11-02 - Assigned To Examiner

1999-10-29 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Lawrence E. Abelman

Correspondent

LAWRENCE E ABELMAN
ABELMAN FRAYNE & SCHWAB
150 E 42ND ST
NEW YORK NY 10017-5612

Domestic Representative

Abelman, Frayne & Schwab

Docket No.: 1011-TM-959

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE EXAMINER OF TRADEMARKS**

Mark: "GIGLI"

Serial No.: 79/033,092

Filed: July 31, 2006

Class: 3, 9, 14, 18, 20, 24 and 25

Applicant(s): DOG INTERNATIONAL Sarl

Law Office: 117

Examining Attorney: Ronald L. Fairbanks, Esq.

New York, NY 10036
July 25, 2007

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

AMENDMENT

This Amendment is being filed in response to the Office Action that was mailed January 25, 2007. Kindly amend the subject application as follows:



07-30-2007

U.S. Patent & TMO/TM Mail Rpt Dt #72

79/033,092
Law Office 117
Ronald L. Fairbanks, Esq.

CLAIM OF OWNERSHIP

Applicant is the owner of U.S. Registration Nos.: 2,408,178, 2,559,298, 1,422,853, 1,618,283, 1,603,000 and others.

IDENTIFICATION OF GOODS

Please amend the classes 3, 9, 14, 18, 20, 24 and 25 read as follows:

Detergents, namely, dish detergent, laundry detergent, detergent soap, bleaching substances, namely, hair bleaching preparations, dental bleaching gel, bleaching preparations for domestic use; fabric softeners; soaps; bleaching preparations, for household use, for domestic use and other products for the laundry, namely, laundry bleach, laundry detergent, laundry starch, laundry pre-soak; cosmetics, in general, including, perfumes, perfumes in solid form; deodorants for personal use; soaps, liquid soaps; cakes of soap; foaming bath products, namely, bath foams, shaving foams, foams containing cosmetics and sunscreens; dentifrices; shampoos; essential oils; hair lotions; preparations for permanent hair waves and for setting hair; gels, namely, after-shave gel, bath gels, dental bleaching gels, hair gels; hair colorants; face creams; mascara; eye-liners; eye shadows; make-up pencils; face powder; lipsticks; facial foundations; body creams; nail varnish for cosmetic purposes; nail hardeners; sun tanning oils and creams in International Class 3.

Compact disc players; MP3 players; cell phones; scientific apparatus and instruments, namely, nautical and surveying apparatus and instruments, namely, radar, echo sounders, marine depth finders, survey chains; electric cables; electric switches; television apparatus, namely, television antennas, television monitors, television sets; set top units for television sets; radios, radio receivers, radio transmitters, radio telephones, phonograph, record turntables; records and music tapes, video tapes featuring dramatic films, police series and comedies and video recorders; optical disc drives; photographic, cinematographic, optical, weighing, measuring and

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Law Office 117
Ronald L. Fairbanks, Esq.

signaling apparatus, namely, photographic cameras, cinematographic cameras, optical lenses, scales, measuring tapes, signaling buoys; television cameras; T.V. cameras, radio transmitters and receivers; spectacles; sunglasses; lenses namely, magnifying lenses, optical lenses, contact lenses; monitoring, inspection, emergency, life-saving and teaching apparatus, namely, electronic and magnetic sensors for pressures, speeds, displacements, temperatures, life preservers, life-buoys, microscopes and telescopes; sound amplifiers and projectors; cash registers; calculating machines; fire extinguishers; electric flat irons; computers, memory cards and microprocessors for computers; computer printers; modems; facsimile machines; telephone apparatus, namely telephones; protective helmets for sports and safety at work, electronic welding apparatus, namely, laser welding devices, and electric welding torches in International Class 9.

Gold, silver, platinum, and precious metals and alloys thereof; objects made of precious metals and alloys thereof, namely necklaces, rings, bracelets, earrings, diamond; diamond brilliants; precious stones; jewelry articles; jewel chains and pendants; cuff links and tie pins; wrist-watches; clocks in general; watch bands; chronometric instruments; jewelry articles plated with precious metals; cases and other caskets for timepieces and jewels in International Class 14.

Bags, namely athletic bags, book bags, clutch bags, duffel bags; handbags; suitcases; rucksacks; wallets; change purses; school bags; portfolio satchels made of leather and imitation leather; pouches; trunks; leather and leather goods, namely leather sold in bulk, leather handbags, leather cases, leather purses; imitation leather and goods made with such materials, namely imitation leather sold in bulk, imitation leather handbags, imitation leather cases, imitation leather purses; sunshades, namely, parasols and umbrellas; walking sticks; whips and other saddlery articles, namely saddlery, saddle covers, and saddle belts in International Class 18.

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Ronald L. Fairbanks, Esq.

Furniture; mirrors; picture frames; articles of wood, reed, rush and wicker, namely figurines and sculptures; plastic articles, namely, figurines and sculptures, boxes and storage drums; metal furniture for camping; elastic mattresses; and pillows in International Class 20.

Textiles and textile articles, namely, textile napkins, textile tablecloths, textile placemats, towels of textiles; elastic fabrics for clothing; heat-activated adhesive fabrics for clothing; imitation leather fabrics for the manufacture of clothing; woolen fabrics; bed blankets, travel blankets; textile tablecloths; tapestries of fabric; textile handkerchiefs; and cloth flags in International Class 24.

Clothing for men, women and children in general, namely, dresses made from skins, shirts, ladies' shirts, skirts, ladies' suits, jackets, trousers, shorts, undervests; knitwear, namely pants, shirts, tops; pyjamas, socks, knitted underwear, corsages, suspender belts, briefs and pants, brassieres, combinations, hats, scarves, ties, raincoats, overcoats, coats, bathing suits, sports overalls, anoraks, ski trousers, belts, furs, sashes for wear, gloves, dressing gowns, footwear in general, including slippers, shoes, sports shoes, boots and sandals in International Class 25.

REMARKS

Applicant acknowledges that the Examiner has found no similar registered or pending mark which would bar registration. Therefore, based on the above amendments and these remarks, Applicant requests that the Examiner reconsider the application, withdraw all objections and allow the application to proceed to publication.

79/033,092
Law Office 117
Ronald L. Fairbanks, Esq.

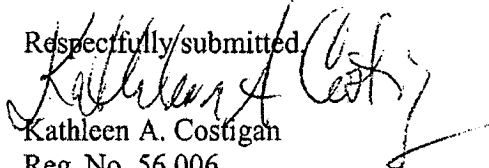
The trademark GIGLI is a name which cannot be translated and has no geographic significance. It is the plural of the word Giglio which can be translated into English as lily.

Applicant has reviewed the Examiner's suggestions with regard to the identification of goods and services and amended in classes 3, 9, 14, 18, 20, 24 and 25. Therefore, reconsideration is requested on the issue of the identification.

Early and favorable action is earnestly solicited.

It is requested that the Examiner contact the undersigned with any questions.

Respectfully submitted,


Kathleen A. Costigan
Reg. No. 56,006

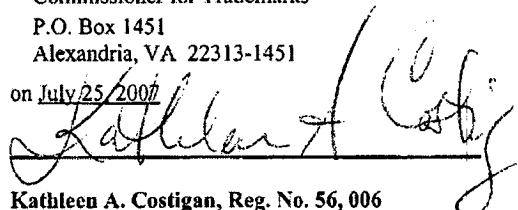
MAILING ADDRESS:
HEDMAN & COSTIGAN, P.C.
1185 Avenue of the Americas
New York, NY 10036
(212) 302-8989

CERTIFICATE OF MAILING under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

on July 25, 2007


Kathleen A. Costigan, Reg. No. 56, 006
212-302-8989

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-12-21 20:57:51 ET

Serial Number: 79033092 Assignment Information Trademark Document Retrieval

Registration Number: 3385716

Mark

GIGLI

(words only): GIGLI

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2008-02-19

Filing Date: 2006-07-31

Transformed into a National Application: No

Registration Date: 2008-02-19

Register: Principal

Law Office Assigned: LAW OFFICE 117

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-02-19

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. DOG INTERNATIONAL Sàrl

Address:

**DOG INTERNATIONAL Sàrl
1, allée Scheffer L-2520 Luxembourg**

12/21/2009

Luxembourg

Legal Entity Type: société à responsabilité limitée

State or Country Where Organized: Luxembourg

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

Detergents, namely, dish detergent, laundry detergent, detergent soap, bleaching substances, namely, hair bleaching preparations, dental bleaching gel, bleaching preparations for domestic use; fabric softeners; soaps; bleaching preparations, for household use, for domestic use and other products for the laundry, namely, laundry bleach, laundry detergent, laundry starch, laundry pre-soak; cosmetics, in general, including, perfumes, perfumes in solid form; deodorants for personal use; soaps, liquid soaps; cakes of soap; foaming bath products, namely, bath foams, shaving foams, foams containing cosmetics and sunscreens; dentifrices; shampoos; essential oils; hair lotions; preparations for permanent hair waves and for setting hair; gels, namely, after-shave gel, bath gels, dental bleaching gels, hair gels; hair colorants; face creams; mascara; eye-liners; eye shadows; make-up pencils; face powder; lipsticks; facial foundations; body creams; nail varnish for cosmetic purposes; nail hardeners; sun tanning oils and creams

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 009

Class Status: Active

Compact disc players; MP3 players; cell phones; scientific apparatus and instruments, namely, nautical and surveying apparatus and instruments, namely, radar, echo sounders, marine depth finders, survey chains; electric cables; electric switches; television apparatus, namely, television antennas, television monitors, television sets; set top units for television sets; radios, radio receivers, radio transmitters, radio telephones, phonograph, record turntables; records and music tapes, video tapes featuring dramatic films, police series and comedies and video recorders; optical disc drives; photographic, cinematographic, optical, weighing, measuring and signaling apparatus, namely, photographic cameras, cinematographic cameras, optical lenses, scales, measuring tapes, signaling buoys; television cameras; T.V. cameras, radio transmitters and receivers; spectacles; sunglasses; lenses namely, magnifying lenses, optical lenses, contact lenses; monitoring, inspection, emergency, life-saving and teaching apparatus, namely, electronic and magnetic sensors for pressures, speeds, displacements, temperatures, life preservers, life-buoys, microscopes and telescopes; sound amplifiers and projectors; cash registers; calculating machines; fire extinguishers; electric flat irons; computers, memory cards and microprocessors for computers; computer printers; modems; facsimile machines; telephone apparatus, namely telephones; protective helmets for sports and safety at work, electronic welding apparatus, namely, laser welding devices, and electric welding torches

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 014

Class Status: Active

Gold, silver, platinum, and precious metals and alloys thereof objects made of precious metals and alloys thereof, namely, necklaces, rings, bracelets, earrings, diamond; diamond brilliants; precious stones; jewelry articles; jewel chains and pendants; cuff links and tie pins; wrist-watches; clocks in

general; watch bands; chronometric instruments; jewelry articles plated with precious metals; cases and other caskets for timepieces and jewels

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 018

Class Status: Active

Bags, namely athletic bags, book bags, clutch bags, duffel bags; handbags; suitcases; rucksacks; wallets; change purses; school bags; portfolio satchels made of leather and imitation leather; pouches; trunks; leather and leather goods, namely leather sold in bulk, leather handbags, leather cases, leather purses; imitation leather and goods made with such materials, namely imitation leather sold in bulk, imitation leather handbags, imitation leather cases, imitation leather purses; sunshades, namely, parasols and umbrellas; walking sticks; whips and other saddlery articles, namely saddlery, saddle covers, and saddle belts

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 020

Class Status: Active

Furniture; mirrors; picture frames; articles of wood, reed, rush and wicker, namely figurines and sculptures; plastic articles, namely, figurines and sculptures, boxes and storage drums; metal furniture for camping; elastic mattresses; and pillows

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 024

Class Status: Active

Textiles and textile articles, namely, textile napkins, textile tablecloths, textile place mats, towels of textiles; elastic fabrics for clothing; heat-activated adhesive fabrics for clothing; imitation leather fabrics for the manufacture of clothing; woolen fabrics; bed blankets, travel blankets; textile tablecloths; tapestries of fabric; textile handkerchiefs; and cloth flags

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 025

Class Status: Active

Clothing for men, women and children in general, namely, dresses made from skins, shirts, ladies' shirts, skirts, ladies' suits, jackets, trousers, shorts, undervests; knitwear, namely pants, shirts, tops; pyjamas, socks, knitted underwear, corsages, suspender belts, briefs and pants, brassieres, combinations, hats, scarves, ties, raincoats, overcoats, coats, bathing suits, sports overalls, anoraks, ski trousers, belts, furs, sashes for wear, gloves, dressing gowns, footwear in general, including slippers, shoes, sports shoes, boots and sandals

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Translation: The English translation of the word "GIGLI" in the mark is "LILY."

MADRID PROTOCOL INFORMATION

International Registration Number: 0909005

International Registration Date: 2006-07-31

Priority Claimed: Yes

Date of Section 67 Priority Claim: 2006-04-26

International Registration Status: Request For Extension Of Protection Processed

Date of International Registration Status: 2007-01-04

International Registration Renewal Date: 2016-07-31

Notification of Designation Date: 2007-01-04

Date of Automatic Protection: 2008-07-04

Date International Registration Cancelled: (DATE NOT AVAILABLE)

First Refusal: Yes

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-05-20 - Final Disposition Notice Sent To IB

2008-05-20 - Final Disposition Processed

2008-05-19 - Final Disposition Notice Created, To Be Sent To IB

2008-02-19 - Registered - Principal Register

2007-12-04 - Published for opposition

2007-11-14 - Notice of publication

2007-10-30 - Law Office Publication Review Completed

2007-10-25 - Approved for Pub - Principal Register (Initial exam)

2007-09-12 - Amendment From Applicant Entered

2007-09-12 - Communication received from applicant

2007-08-29 - Assigned To LIE

2007-07-30 - PAPER RECEIVED

2007-02-16 - Refusal Processed By IB

2007-01-25 - Non-Final Action Mailed - Refusal Sent To IB

2007-01-25 - Refusal Processed By MPU

2007-01-24 - Non-Final Action (Ib Refusal) Prepared For Review

2007-01-23 - Non-Final Action Written

2007-01-12 - Assigned To Examiner

2007-01-05 - Assigned To Examiner

2007-01-05 - New Application Entered In Tram

2007-01-04 - Sn Assigned For Sect 66a Appl From IB

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

OFFICE ERNEST T. FREYLINGER S.A.

234, route d'Arlon; B.P. 48

L-8001 STRASSEN LUXEMBOURG

12/21/2009

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This page was generated by the TARR system on 2009-12-21 21:04:18 ET

Serial Number: 78637373 Assignment Information Trademark Document Retrieval

Registration Number: 3214823

Mark

GIGGGLE

(words only): GIGGGLE

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2007-03-06

Filing Date: 2005-05-25

Transformed into a National Application: No

Registration Date: 2007-03-06

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-03-06

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Hanzawa (Hong Kong) Limited

Address:

Hanzawa (Hong Kong) Limited

Suite 608-11, 6/F World Commerce Center Harbour City, Canton Road

12/21/2009

Tsimshatsui Kowloon
Hong Kong
Legal Entity Type: Corporation
State or Country of Incorporation: Hong Kong

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

Electronic apparatus, namely, computers and computer peripherals; computer game software; education software for tutoring and teaching instruction in the field of music, creative drawing, spelling; electronic and computer game programs; Electronic device for recording music with video game features, electronic device to store computer generated information with video game features, namely, jump drives and flash drives

Basis: 44(e)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 028

Class Status: Active

Games and playthings, namely, hand held units for playing electronic games; electronic and educational toys, namely, musical toy instruments featuring built in sound recorders to personalize instrumental sounds, electronic toy pets with interactive features, sound effects and animations; electronic toy drawing boards for creation of animation, electronic toy locks with clock, alarm, music and game features, electronic toy voice changers; drawing toys, namely, drawing boards that teach children to draw and develop hand-eye coordination; electronic toy pocket flashlights with arcade game functions

Basis: 44(e)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Foreign Registration Number: 300309537

Foreign Registration Date: 2004-10-28

Country: Hong Kong

Foreign Expiration Date: 2014-10-28

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-03-06 - Registered - Principal Register

12/21/2009

2006-12-19 - Published for opposition
2006-11-29 - Notice of publication
2006-10-26 - Law Office Publication Review Completed
2006-10-26 - Assigned To LIE
2006-10-20 - Examiner's amendment mailed
2006-10-19 - Approved for Pub - Principal Register (Initial exam)
2006-10-19 - Examiner's Amendment Entered
2006-10-19 - Examiners Amendment - Written
2006-07-13 - Final refusal mailed
2006-07-12 - Final Refusal Written
2006-06-29 - Amendment From Applicant Entered
2006-05-25 - Communication received from applicant
2006-05-25 - PAPER RECEIVED
2005-12-19 - Non-final action mailed
2005-12-19 - Non-Final Action Written
2005-12-17 - Assigned To Examiner
2005-06-03 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Lawrence E. Apolzon

Correspondent
LAWRENCE E. APOLZON; FROSS ZELNICK LEHR
866 UNITED NATIONS PLAZA
NEW YORK; NY - NEW YORK
10017
XPX - NOT PROVIDED

Domestic Representative
Fross Zelnick Lehrman & Zissu, P.C.

12/21/2009

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-12-21 21:19:11 ET

Serial Number: 73355236 Assignment Information Trademark Document Retrieval

Registration Number: 1281330

Mark (words only): GIGA

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2004-06-24

Filing Date: 1982-03-18

Transformed into a National Application: No

Registration Date: 1984-06-12

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-05-15

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Shepard; John C.

DBA/AKA/TA/Formerly: d.b.a. Giga

Address:

Shepard; John C.

575 SUNSET RD.

WINNETKA, IL 600934018

United States

Legal Entity Type: Individual

Country of Citizenship: United States

GOODS AND/OR SERVICES

International Class: 009

12/21/2009

Class Status: Active

Computer Programs Recorded on Machine Readable Magnetic Media and on Printed Sheet, Sold with a Printed Users Manual as a Unit

Basis: 1(a)

First Use Date: 1979-11-05

First Use in Commerce Date: 1979-11-05

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-05-15 - Case File In TICRS

2004-06-24 - First renewal 10 year

2004-06-24 - Section 8 (10-year) accepted/ Section 9 granted

2004-04-27 - Combined Section 8 (10-year)/Section 9 filed

2004-04-27 - TEAS Section 8 & 9 Received

1990-06-25 - Section 8 (6-year) accepted & Section 15 acknowledged

1990-04-05 - Section 8 (6-year) and Section 15 Filed

1984-06-12 - Registered - Principal Register

1984-03-20 - Published for opposition

1984-02-07 - Notice of publication

1984-02-01 - Notice of publication

1984-01-31 - Notice of publication

1983-12-05 - Approved for Pub - Principal Register (Initial exam)

1983-11-04 - Communication received from applicant

1983-05-19 - Non-final action mailed

12/21/2009

1983-03-21 - Communication received from applicant

1982-09-24 - Non-final action mailed

1982-09-21 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
JOHN C. SHEPARD

Correspondent
JOHN C. SHEPARD
575 SUNSET ROAD
WINNETKA IL 60093
